

Washington State Department of Transportation Title VI Responsibilities

The Washington State Department of Transportation will not:

- Discriminate in its selection and retention of contractors to perform duties and services related to construction, planning, research, engineering, property management and other commitments related to highway construction on the bases of their race, color, national origin, or sex.
- Locate or design a highway in a manner that requires the relocation of individuals on the bases of their race, color, national origin, or sex.
- Locate, design or construct a highway in a manner that denies reasonable access or use to any person on the bases of race, color, national, origin, or sex.
- Discriminate against eligible persons in relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions on the bases of their race, color, national origin, or sex.
- Discriminate against the traveling public and commercial users of highways in providing access to and use of facilities and services provided for public accommodations on the bases of race, color, national origin, or sex.
- Distribute federal funds to sub-recipients, i.e., universities, counties, cities, transit agencies, etc. without proper assurances of non-discrimination and Title VI compliance.
- Conduct aeronautic activities, i.e. runway locations or airport operations in a discriminatory manner.
- Deny the public proper participation in WSDOT activities in compliance with Title VI.

WSDOT Monitoring Responsibilities

Title VI compliance requires the monitoring of all program areas to ensure that all WSDOT activities are conducted in a nondiscriminatory manner and appropriate procedures are in place for the collection of related data. Program areas throughout WSDOT will be monitored to ensure compliance on an annual basis. Management and appropriate authorities are required to cooperate in these efforts. It is important that all of us play our part in Title VI compliance in order to ensure the continued receipt of federal funds.

WHAT ACTIVITIES ARE MONITORED

In accordance with CFR 23 § 200.9(b) (10) & (11), an annual report of WSDOT's Title VI accomplishments for each year and goals for the next year are submitted to the Federal Highway Administration (FHWA). This report contains information that is used to evaluate WSDOT's Title VI program. Major program areas throughout WSDOT are monitored by the Title VI Staff Specialist and Regional Title VI Liaisons to ensure that all WSDOT procedures and processes are in compliance with Title VI and that appropriate data is collected for proper reporting to FHWA. Annually, WSDOT's Title VI findings and efforts initiated toward compliance are reported to FHWA. The following information, if applicable, will be reviewed with assistance from Title VI coordinators representing each area. The information provided is a representation of the type activities that may be monitored in each area, although some program areas may not be involved in every activity:

- Information related to studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment and travel habits.
- The number of public meetings and hearings held during the reporting period.
- Efforts used to ensure citizen participation in public meetings and hearings, particularly minorities, women, elderly, disabled and low-income persons.
- Title VI training provided by WSDOT, FHWA, and NIH sponsored programs and training.
- Major accomplishments made regarding Title VI during the year - Including instances where Title VI issues were identified and discrimination was prevented.
- The number of pre-draft Environmental Impact Statements (EIS) reviewed.

- Issues addressed in Environmental Impact Statements where minorities, women, elderly, disabled and low-income persons were adversely impacted.
- Whether there was a need to utilize bilingual or non-English advertisements, announcements, notices, etc. to meet Limited English Proficiency (LEP) needs.
- Whether interpreters were present when needed to assist with LEP needs.
- Whether negotiation reports related to real estate transactions indicated a disparity in negotiation procedures between minorities and non-minorities.
- Mechanisms used to identify what communities (minorities, women, elderly, disabled, and low-income) were represented in the negotiation phase.
- The number of relocations during the reporting period.
- The number of construction projects initiated in the reporting period.
- Procedures in place to monitor Title VI compliance as it relates to special emphasis programs such as the Disadvantaged Business Enterprise program, On the Job Training program, etc.
- The number of Title VI complaints received, status of complaints, resolution of complaints, etc.

Limited English Proficiency - What is Limited English Proficiency?

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. Washington is home to many individuals who are not proficient in the English language. Executive Order (E.O.) 13166, Improving Access to Services for Persons With Limited English Proficiency, August 2000, is directed at implementation of protections afforded by Title VI of the Civil Rights Act of 1964. WSDOT is committed to affording individuals affected by a WSDOT activity(s) with meaningful access to programs and services by:

- Advertising meetings, hearings, conferences, etc., in appropriate languages
- Requesting the participants to inform us of needed accommodations in order to meet reasonable needs.
- Having written materials printed in languages that meet LEP requirements.
- Providing interpreters to verbally translate and perform sign language translation when necessary.

Note: Generally, if a WSDOT activity will have an impact on an area where 5% or more of the individuals in that area speak a language other than English, materials advertising the project, hearings, meeting, radio and/or TV advertisements, etc. should be translated into the language spoken in the affected area. Translators should be available to assist individuals at public meetings, hearings, etc. Reasonable efforts should be put forth to meet LEP needs even when less than 5% of the MDOT affected population has LEP needs. Reasonable Accommodations for persons with disabilities should be provided as appropriate on case-by-case basis.

Environmental Justice - What is Environmental Justice?

A 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies and activities on "minority populations and low-income populations." In order to comply with this order, WSDOT must appropriately address the concerns of individuals potentially affected by our activities. Those individuals must appropriately be involved in the development of projects that fit harmoniously within their communities without sacrificing safety or mobility.

Three fundamental principles of environmental justice include but are not limited to the following:

- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

WSDOT's Title VI Interdisciplinary Team

In order to provide interaction between the Department's program areas and regions in regard to Title VI compliance, WSDOT has implemented a Title VI Interdisciplinary Team. This team consists of individuals from the program areas and each WSDOT region. This interdisciplinary approach to Title VI compliance helps to provide interaction and systematic communication throughout the Department and offers an opportunity for the Title VI Coordinator to work with the members toward Title VI compliance. Members of the team are involved in making WSDOT's Title VI program a success.

Sanctions

In the event WSDOT as a recipient of federal funds fails or refuses to comply with Title VI, the FHWA may take any or all of the following sanctions:

- Cancel, terminate, or suspend nondiscrimination agreements between the recipient and FHWA in whole or in part.
- Refrain from extending, any further assistance to WSDOT under the program in noncompliance until satisfactory assurance of future compliance has been assured by the recipient.
- Take other actions deemed appropriate under the circumstances, until the recipient has accomplished compliance or remedial action
- Refer the case to the U.S. Department of Justice for appropriate legal proceedings.

Definitions

Authority: The Civil Rights Restoration Act of 1987 (CRRRA) and the Civil Rights Act of 1964 are the legal statutes for Title VI compliance/enforcement.

Complaints: Discrimination under Title VI has been closely defined as the denial of participation in and the denial of receiving benefits from programs or activities that are federally funded.

Discrimination: An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin, has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under Title 23 U.S.C.

Disparate Treatment: Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes.

Explanation: Title VI is the component of the Civil Rights Act that prohibits discrimination in federally assisted programs.

Federal Aid Recipient: Individuals or groups who receive federal aid funds.

Title VI Compliance: The implementation of all the Title VI requirements or demonstrating that every good faith effort has been made toward achieving this end.

Programs: Transportation projects or activities that provide service, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Federal government or by WSDOT or its agents through contracts or other arrangements.